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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 * * * * *

10 ERIC PALACIOS & ASSOCIATES, LTD.

11 Plaintiff,

12 vs.

13 FIDELIA ORTIZ-DEMORAN, an individual;
14 UNIVERSITY MEDICAL CENTER dba UMC
15 HOSPITAL; UNITE HERE HEALTH, an unknown
16 entity; LAS VEGAS FIRE & RESCUE; DESERT
17 RADIOLOGY SOLUTIONS, LLC; AGATE/VENGER
18 PARTNERSHIP, LLP dba WESTERN REGIONAL
19 CENTER FOR BRAIN AND SPINE SURGERY; DOES I
20 through X, and ROE CORPORATIONS I through X,
21 inclusive,

22 Defendants.

Case: 2:15-cv-00778-RFB-CWH

23 **STIPULATED DISCOVERY
24 PLAN AND
25 SCHEDULING ORDER**

26 UNITE HERE HEALTH,

27 Counterclaimant,

28 vs.

29 ERIC PALACIOS & ASSOCIATES, LTD.

30 Counterdefendant.

1 UNITE HERE HEALTH,

2 Crossclaimant,

3 vs.

4 FIDELIA ORTIZ-DEMORAN, an individual;
5 UNIVERSITY MEDICAL CENTER dba UMC
6 HOSPITAL; LAS VEGAS FIRE & RESCUE; DESERT
7 RADIOLOGY SOLUTIONS, LLC; AGATE/VENGER
8 PARTNERSHIP, LLP dba WESTERN REGIONAL
9 CENTER FOR BRAIN AND SPINE SURGERY; DOES I
through X, and ROE CORPORATIONS I through X,
inclusive,

10 Cross-Defendants.

11 Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure (“FRCP”) and Local Rule
12 26-1(d), Plaintiff ERIC PALACIOS & ASSOCIATES, LTD. and Defendants UNITE HERE
13 HEALTH and CITY OF LAS VEGAS, each acting through their respective counsel, conferred
14 on June 24, 2015 and hereby submit their Stipulated Discovery Plan (“Plan”).

15 **SUBMITTED IN COMPLIANCE WITH LR 26-1(e)**

16 Information Required Under Fed. R. Civ. P. 26(f)

17 1. Changes in timing, form or requirement for disclosures.

18 a. Initial disclosures were or will be provided in accordance with FRCP
26(a)(1) on or before **July 3, 2015**.

19 2. Subjects of Discovery. The parties anticipate Discovery will be required in the
20 following areas:

21 a. The facts and circumstances that will enable the Court to determine the
22 validity of the allegations of Plaintiffs’ Complaint, including the enforceability of the
23 Repayment Agreement executed by certain Defendants;

24 b. The facts and circumstances that will enable the Court to determine the
25 validity of any affirmative defenses asserted by the Defendants;

26 c. Production of documents so that the parties may confirm claim amounts
27 for which liens are asserted against the settlement proceeds that are to be interpleaded;

d. Production of relevant information regarding the tort settlement obtained by Defendant FIDELIA ORTIZ-DEMORAN; and

e. Deposition testimony from all Defendants and any witnesses identified by any party.

Any party may propound Discovery as allowed by the Federal Rules of Civil Procedure, the Local Rules of the Court and this Order. The parties reserve any general Discovery matters as needed.

3. Completion of Discovery. The parties anticipate that Discovery focused on the above issues can be completed within 150 days from the anticipated filing date of this Plan (June 30, 2015), which would generate a **Discovery Cut-Off Date** of **November 27, 2015**.

4. Orders under Fed. R. Civ. P. 26(c) and 16(b) and (c). The parties are not aware of any other matter or order that should be entered under these Rules.

Information Required Under LR 26-1(e)

5. Discovery Cut-Off Date. Discovery shall be completed by **November 27, 2015**.

6. Amending the Pleadings and Adding Parties. Motions to amend pleadings, or to add parties, shall be filed not later than ninety (90) days prior to the close of Discovery, or **August 28, 2015.**

7. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts). The parties will disclose experts, if any, not later than sixty (60) days prior to the close of Discovery, or **September 28, 2015**. Rebuttal experts shall be disclosed within thirty (30) days after the initial disclosure of experts and no later than **October 28, 2015**.

8. Dispositive Motions. The parties will file Dispositive Motions not later than thirty (30) days after the Discovery Cut-Off Date, or **December 28, 2015**.

9. Pretrial Order. The parties shall file the joint Pretrial Order no later than thirty (30) days after the date set for filing Dispositive Motions, or **January 27, 2016**. If the parties file Dispositive Motions, then the duty to submit a Pretrial Order shall be suspended until thirty (30) days after the final decision on the Dispositive Motions or further Order of the Court.

1 10. Fed. R. Civ. P. 26(a)(3) Disclosures. All disclosures required by Fed. R. Civ. P.
2 26(a)(3) and any objections thereto shall be included in the Pretrial Order.

3 11. Time Required for Trial. The parties believe that Trial of this matter will take 1
4 to 2 days.

5 12. Trial Dates. The parties and their counsel anticipate being available for Trial
6 during the weeks of May 16 and 23, 2016.

7
8 Dated this 30th day of June, 2015.

9 CHRISTENSEN JAMES & MARTIN

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22 CITY OF LAS VEGAS
23 OFFICE OF THE CITY ATTORNEY

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30 *(Las Vegas Fire & Rescue)*

31 IT IS SO ORDERED

32 _____
33 United States Magistrate Judge

34 Dated: _____